

2013 DRAFTING REQUEST

Bill

Received:	12/4/2012	Received By:	chanaman
Wanted:	As time permits	Same as LRB:	
For:	André Jacques (608) 266-9870	By/Representing:	Jamie Julian
May Contact:		Drafter:	chanaman
Subject:	Courts - garn/injunct Criminal Law - domestic abuse	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to restraining orders (injunctions andTROs); stalking, harassing, child abuse, TROs into injunctions.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 12/14/2012	kfollett 1/3/2013	jmurphy 1/3/2013	_____			
/P1	chanaman 2/26/2013	kfollett 3/4/2013	rschlue 3/4/2013	_____	sbasford 1/3/2013		State S&L
/P2	chanaman 3/20/2013	kfollett 3/21/2013	jfrantze 3/21/2013	_____	srose 3/4/2013		State S&L
/P3	chanaman	kfollett	jmurphy	_____	mbarman		State

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	3/21/2013	3/21/2013	3/21/2013	_____	3/21/2013		S&L
/1				_____	srose	lparisi	State
				_____	3/21/2013	4/8/2013	S&L

FE Sent For:

At
Intro -

<END>

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/P3		1/1/13 3/21	3/21	self	mbarman		State

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1P3/KF
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J6 3/21 R2

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/? chanaman

1/11/13

1/3

gm 1/3/13

self

FE Sent For:

<END>

Hanaman, Cathlene

From: Hurley, Peggy
Sent: Wednesday, December 05, 2012 1:32 PM
To: Julian, Jamie
Cc: Hanaman, Cathlene
Subject: RE: Bill request from Rep. Jacques Re: Restraining Orders

Hi Jamie,

Cathlene Hanaman will be the drafting attorney for this request. I am forwarding your email to her.

Peggy

From: Julian, Jamie
Sent: Wednesday, December 05, 2012 12:54 PM
To: Hurley, Peggy
Cc: Julian, Jamie
Subject: Bill request from Rep. Jacques Re: Restraining Orders

Representative Jacques would like to make some technical change and refinements to restraining orders:

- Statutory change to make stalking behavior a basis for obtaining a domestic abuse restraining order
 - (currently not included in the definition of domestic abuse for the purpose of obtaining a restraining order)
- Statutory provision that harassment restraining orders may prohibit all contact between the victim and perpetrator
 - (as opposed to barring only "harassing" contact)
- Statutory change to make child abuse restraining order hearings closed and the records sealed to protect minor victims
- Statutory provision that child victims and non-offending parents should not be required to pay guardian ad litem fees in restraining order cases
- If a new hearing before a circuit court judge is requested, statutory provision should allow that any restraining order issued by a court commissioner is valid until the new hearing is held
- In situations where a victim may request an automatic extension of a restraining order, current statute amended to direct clerks of court to make the notification to the perpetrator (instead of the victim as under current law)
- Current law provides a method for victims requesting a domestic abuse or harassment restraining order to submit their address confidentially – this procedure should also be used in child abuse and individual-at-risk restraining orders
- Under current law the court must rule on the final restraining order 14 days after the issuance of a TRO. Some judges will keep the TRO in effect long-term in lieu of ruling on the final order. This should be prohibited.

Please let me know if you have any questions or there are any additional considerations we should talk about.

Jamie Julian

Office of Rep. Andre Jacques
2nd Assembly District

Room 9 West



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-07207

CMH: E

FRIDAY
please

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

PWF
Jan 12/13

general

- 1 **AN ACT** ...; **relating to:** temporary restraining orders and injunctions for
- 2 domestic abuse, child abuse, individuals at risk, and harassment.

Analysis by the Legislative Reference Bureau

Current law defines domestic abuse, for the purpose of issuing a domestic abuse temporary restraining order (TRO) or injunction, as intentionally inflicting pain, injury, or illness on another, impairing another's physical condition, sexual assault, damage to another's property, or a threat to do any of those actions if the actor is engaging in the action against another adult family or household member, an adult who is under the actor's care, the actor's former spouse, a person with whom the actor has or had a dating relationship, or an adult with whom the actor has a child in common. This bill adds stalking, or a threat to stalk, to the actions that constitute domestic abuse.

Under current law, in an action involving the issuance of a harassment TRO or injunction, the court may order the respondent to cease or avoid the harassment of another person or to avoid the petitioner's residence, any premises temporarily occupied by the petitioner, or both. Under this bill, the court may order the respondent to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent.

Under current law, in an action involving the issuance of a child abuse TRO or injunction, the court may exclude from the hearing all persons except the parties, their attorneys, witnesses, child victim advocates, and certain others (essential persons) and may deny access to persons who are not essential persons to any records

of the action. Under this bill, the court is required to exclude all persons who are not essential persons and deny them access to any records of the action.

In actions involving the issuance of domestic abuse or harassment TROs or injunctions, current law provides for the confidentiality of the victim's addresses. This bill provides for the confidentiality of the addresses of victims in actions involving the issuance of individuals at risk and child abuse TROs and injunctions.

Under current law, in general, a judge must hold a hearing on the issuance of a domestic abuse, child abuse, individuals at risk, or harassment injunction within 14 days of issuing a TRO. This bill specifies that a judge may not extend the TRO in lieu of holding the hearing.

This bill specifies that, in actions involving the issuance of child abuse TROs or injunctions, the victim or the petitioner, if the parent of the victim, does not have to pay the compensation of the guardian ad litem. This bill also specifies that, if a person seeks a new hearing of a determination, order, or ruling a court makes in an action involving the issuance of a domestic abuse, child abuse, individuals at risk, or harassment TRO or injunction, the determination, order, or ruling made in the original hearing remains in effect until the final determination, order, or ruling is made in the new hearing.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.235 (8) (c) 3. of the statutes is created to read:

48.235 (8) (c) 3. In a proceeding under s. 813.122 or 813.125, the court may not order the child victim or, if the petitioner is a parent of the child victim, the petitioner to pay any part of the compensation of the guardian ad litem.

SECTION 2. 813.12 (1) (am) 4. of the statutes is created to read:

813.12 (1) (am) 4. A violation of s. 940.32.

SECTION 3. 813.12 (1) (am) 6. of the statutes is amended to read:

813.12 (1) (am) 6. A threat to engage in the conduct under subd. 1., 2., 3., 4., or 5.

History: 1983 a. 204, 540; 1985 a. 29, 135; 1989 a. 193; 1993 a. 319; 1995 a. 71, 306; 1999 a. 162; 2001 a. 61, 109; 2003 a. 321; 2005 a. 387; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35, 266.

SECTION 4. 813.12 (3) (c) of the statutes is amended to read:

1 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
2 on issuance of an injunction under sub. (4). The temporary restraining order is not
3 voided if the respondent is admitted into a dwelling that the order directs him or her
4 to avoid. A judge or circuit court commissioner shall hold a hearing on issuance of
5 an injunction within 14 days after the temporary restraining order is issued, unless
6 the time is extended upon the written consent of the parties or extended once for 14
7 days upon a finding that the respondent has not been served with a copy of the
8 temporary restraining order although the petitioner has exercised due diligence. A
9 judge may not extend the temporary restraining order in lieu of holding a hearing
10 on the issuance of an injunction.

History: 1983 a. 204, 540; 1985 a. 29, 135; 1989 a. 193; 1993 a. 319; 1995 a. 71, 306; 1999 a. 162; 2001 a. 61, 109; 2003 a. 321; 2005 a. 387; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35, 266.

11 **SECTION 5.** 813.12 (4) (c) 4. of the statutes is amended to read:

12 813.12 (4) (c) 4. ~~Notice need not be given to the respondent before extending~~
13 The petitioner shall attempt to serve notice on a respondent before a court extends
14 an injunction under subd. 2., but failure to provide the notice does not relieve the
15 court of its duty to extend the injunction as described under subd. 2. The petitioner
16 shall notify the respondent after the court extends an injunction under subd. 2.

History: 1983 a. 204, 540; 1985 a. 29, 135; 1989 a. 193; 1993 a. 319; 1995 a. 71, 306; 1999 a. 162; 2001 a. 61, 109; 2003 a. 321; 2005 a. 387; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35, 266.

****NOTE: Please review this section and SECTIONS 11 and 14 to ensure that they
are consistent with your intent.

17 **SECTION 6.** 813.122 (3) (b) (intro.) and 1. of the statutes are consolidated,
18 renumbered 813.122 (3) (b) 1m. and amended to read:

19 813.122 (3) (b) 1m. The Except as provided in subd. 2m., the court or circuit
20 court commissioner, on its or his or her own motion or the motion of any party, may
21 order one or more of the following: 1. That that a guardian ad litem be appointed
22 for the child victim in accordance with s. 48.235.

1 **SECTION 7.** 813.122 (3) (b) 2. and 3. of the statutes are renumbered 813.122 (3)
2 (bc) 2. and 3.

3 **SECTION 8.** 813.122 (3) (bc) (intro.) of the statutes is created to read:

4 813.122 (3) (bc) (intro.) The court or circuit court commissioner shall order all
5 of the following:

6 **SECTION 9.** 813.122 (3) (bm) of the statutes is renumbered 813.122 (3) (b) 2m.

7 **SECTION 10.** 813.122 (4) (c) of the statutes is amended to read:

8 813.122 (4) (c) The temporary restraining order is in effect until a hearing is
9 held on issuance of an injunction under sub. (5). A judge shall hold a hearing on
10 issuance of an injunction within 14 days after the temporary restraining order is
11 issued, unless the time is extended upon the written consent of the parties or
12 extended once for 14 days upon a finding that the respondent has not been served
13 with a copy of the temporary restraining order although the petitioner has exercised
14 due diligence. A judge may not extend the temporary restraining order in lieu of
15 holding a hearing on the issuance of an injunction.

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292; 2001 a. 61; 2005 a. 155, 272; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35.

16 **SECTION 11.** 813.122 (5) (d) 4. of the statutes is amended to read:

17 813.122 (5) (d) 4. ~~Notice need not be given to the respondent before extending~~
18 The petitioner shall attempt to serve notice on a respondent before a court extends
19 an injunction under subd. 2. or 3., but failure to provide the notice does not relieve
20 the court of its duty to extend the injunction as described under subd. 2. or 3. The
21 petitioner shall notify the respondent after the court extends an injunction under
22 subd. 2. or 3.

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292; 2001 a. 61; 2005 a. 155, 272; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35.

23 **SECTION 12.** 813.122 (5g) of the statutes is created to read:

1 813.122 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and
2 the court order under sub. (4) or (5) may not disclose the address of the petitioner or
3 of the alleged child victim. The petitioner shall provide the clerk of circuit court with
4 the address of the petitioner and of the alleged child victim when he or she files a
5 petition under this section. The clerk shall maintain the addresses in a confidential
6 manner.

7 **SECTION 13.** 813.123 (4) (c) of the statutes is amended to read:

8 813.123 (4) (c) The temporary restraining order is in effect until a hearing is
9 held on issuance of an injunction under sub. (5). A judge shall hold a hearing on
10 issuance of an injunction within 14 days after the temporary restraining order is
11 issued, unless the time is extended upon the written consent of the parties or
12 extended once for 14 days upon a finding that the respondent has not been served
13 with a copy of the temporary restraining order although the petitioner has exercised
14 due diligence. A judge may not extend the temporary restraining order in lieu of
15 holding a hearing on the issuance of an injunction.

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; 2007 a. 45, 96, 124; 2009 a. 262.

16 **SECTION 14.** 813.123 (5) (c) 4. of the statutes is amended to read:

17 813.123 (5) (c) 4. ~~Notice need not be given to the respondent before extending~~
18 The petitioner shall attempt to serve notice on a respondent before a court extends
19 an injunction under subd. 2. or 3., but failure to provide the notice does not relieve
20 the court of its duty to extend the injunction as described under subd. 2. or 3. The
21 petitioner shall notify the respondent after the court extends an injunction under
22 subd. 2. or 3.

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; 2007 a. 45, 96, 124; 2009 a. 262.

23 **SECTION 15.** 813.123 (5g) of the statutes is created to read:

1 813.123 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and
2 the court order under sub. (4) or (5) may not disclose the address of the petitioner or
3 of the individual at risk. The petitioner shall provide the clerk of circuit court with
4 the address of the petitioner and of the individual at risk when he or she files a
5 petition under this section. The clerk shall maintain the addresses in a confidential
6 manner.

7 SECTION 16. 813.125 (3) (a) (intro.) of the statutes is amended to read:

8 813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a
9 temporary restraining order ordering the respondent to avoid contacting or causing
10 any person other than a party's attorney or a law enforcement officer to contact the
11 petitioner without the petitioner's written consent; to cease or avoid the harassment
12 of another person; to avoid the petitioner's residence, except as provided in par. (am),
13 or any premises temporarily occupied by the petitioner or both; or any combination
14 of these remedies requested in the petition, if all of the following occur:

15 History: 1983 a. 336; 1991 a. 39, 194; 1995 a. 71, 306; 2001 a. 16, 61, 105; 2003 a. 321; 2005 a. 272; 2007 a. 124; 2009 a. 262; 2011 a. 35, 266.

15 SECTION 17. 813.125 (3) (c) of the statutes is amended to read:

16 813.125 (3) (c) The temporary restraining order is in effect until a hearing is
17 held on issuance of an injunction under sub. (4). A judge or circuit court
18 commissioner shall hold a hearing on issuance of an injunction within 14 days after
19 the temporary restraining order is issued, unless the time is extended upon the
20 written consent of the parties or extended once for 14 days upon a finding that the
21 respondent has not been served with a copy of the temporary restraining order
22 although the petitioner has exercised due diligence. A judge may not extend the

1 temporary restraining order in lieu of holding a hearing on the issuance of an
2 injunction.

3 History: 1983 a. 336; 1991 a. 39, 194; 1995 a. 71, 306; 2001 a. 16, 61, 105; 2003 a. 321; 2005 a. 272; 2007 a. 124; 2009 a. 262; 2011 a. 35, 266.

3 **SECTION 18.** 813.125 (4) (a) (intro.) of the statutes is amended to read:

4 813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an
5 injunction ordering the respondent to avoid contacting or causing any person other
6 than a party's attorney or a law enforcement officer to contact the petitioner without
7 the petitioner's written consent; to cease or avoid the harassment of another person;
8 to avoid the petitioner's residence, except as provided in par. (am), or any premises
9 temporarily occupied by the petitioner or both; or any combination of these remedies
10 requested in the petition, if all of the following occur:

11 History: 1983 a. 336; 1991 a. 39, 194; 1995 a. 71, 306; 2001 a. 16, 61, 105; 2003 a. 321; 2005 a. 272; 2007 a. 124; 2009 a. 262; 2011 a. 35, 266.

11 **SECTION 19.** 813.126 of the statutes is amended to read:

12 **813.126 New hearing.** If a party seeks to have the judge conduct a hearing
13 de novo under s. 757.69 (8) of a determination, order, or ruling entered by a court
14 commissioner in an action under s. 813.12, 813.122, 813.123, or 813.125, including
15 a denial of a request for a temporary restraining order, the motion requesting the
16 hearing must be filed with the court within 30 days after the circuit court
17 commissioner issued the determination, order, or ruling. The court shall hold the de
18 novo hearing within 30 days after the motion requesting the hearing is filed with the
19 court unless the court finds good cause for an extension. Any determination, order,
20 or ruling entered by a court commissioner in an action under s. 813.12, 813.122,
21 813.123, or 813.125 remains in effect until the judge in the de novo hearing issues
22 his or her final determination, order, or ruling.

23 History: 2009 a. 262.

23 **SECTION 20.** Initial applicability.

1 (1) CLOSED HEARINGS AND SEALED RECORDS IN ACTIONS FOR CHILD ABUSE TEMPORARY
2 RESTRAINING ORDERS AND INJUNCTIONS. The treatment of section 813.122 (3) (b)
3 (intro.), 1., 2., and 3., (bc) (intro.), and (bm) of the statutes first applies to a petition
4 filed under section 813.122 of the statutes on the effective date of this subsection.

5 (2) CONFIDENTIALITY OF ADDRESSES. The treatment of sections 813.122 (5g) and
6 813.123 (5g) of the statutes first applies to a petition filed under sections 813.122 or
7 813.123 of the statutes on the effective date of this subsection.

8 (3) HARASSMENT ORDERS. The treatment of sections 813.125 (3) (a) (intro.) and
9 (4) (a) (intro.) of the statutes first applies to a temporary restraining order or
10 injunction issued under section 813.125 of the statutes on the effective date of this
11 subsection.

12 (4) NEW HEARINGS. The treatment of section 813.126 the statutes first applies
13 to a motion requesting a de novo hearing filed on the effective date of this subsection.

14 (END)

To: Rep. André Jacque
From: Tony Gibart, WCADV
Re: LRB 0720/P1

Thank you for your work to improve the effectiveness of Wisconsin's restraining order laws. Below are my suggested revisions to LRB 0720/P1. Recommended changes are in italics.

Page 2, lines 1-3.

The draft currently prohibits the court from ordering the child victim or the petitioning parent to pay any part of the compensation of the guardian *ad litem*. We believe such a rule would be good public policy on the basis that non-offending parents should not be discouraged from coming forward to seek protection for child victims. However, counties may object to such a prohibition by arguing it would unduly restrict their ability to recoup costs. Slightly modifying the provision to make it more closely in line with federal funding conditions will limit the ability of counties to object and still accomplish the policy objective of ensuring access to protection for child victims.

Under current law, a child or parent may petition for a child abuse restraining order. Federal funding conditions prohibit the state from charging the victim any fee related to the issuance of certain restraining orders. In many factual situations, this prohibition applies to child abuse and harassment restraining orders. Therefore to ensure compliance, as an initial matter, state law should prohibit charging the child victim, as the draft does.

Second, state law should prohibit charging a parent who is not a party (i.e. not the respondent nor the petitioner) with GAL fees. Charging these parents is effectively the same as charging the child victim because the court is charging the parent only on the basis that the parent is the guardian of the child victim. When the child is the named petitioner, the non-party parent has no other legal relationship with the case that would justify the imposition of the fee. Therefore, this second prong of the prohibition is necessary to guarantee compliance with the federal funding condition as well.

We believe these two restrictions, (1) a prohibition against charging the child and (2) a prohibition against charging a non-party parent or guardian, together are capable of resolving this issue for victims and their protective parents. Since the child is always able to be the petitioner in child abuse and harassment petitions, our member programs can advise child victims and their parents to name the child as the petitioner in all cases in which the payment of guardian *ad litem* fees might be a barrier to obtaining protection.

48.235 (8) (c) 3. In a proceeding under s. 813.122 or 813.125, the court may not order the child victim or any parent, stepparent or legal guardian who is not a party to the action to pay any part of the compensation of the guardian ad litem.

Sections 3, 9, 12, 16

We suggest a slight change to the wording. The draft current states:

A judge may not extend the temporary restraining order in lieu of holding a hearing on the issuance of the injunction.

We recommend:

A judge or court commissioner may not extend the restraining order in lieu of ruling on the issuance of the injunction.

This language will effectuate the intent of preventing the practice of indefinite or long-term delays to rulings on injunctions.

Sections 4, 10, 13

The intent is simply that the courts notify the respondent after granting the extension, instead of the petitioner notifying the respondent. Current law presents challenges for petitioners who want to limit contact with the respondent.

Notice need not be given to the respondent before extending an injunction under subd. 2. ~~The petitioner~~ clerk of courts shall notify the respondent after the court extends an injunction under subd. 2.

Sections 6, 7, 8

These sections provide privacy protections in child abuse restraining order cases. Some changes are required. I have learned from the Director of State Courts' Office that structuring statutory confidentiality protections as contingent on a judge's order is problematic, even when the issuance of the order is non-discretionary, for two reasons. One, clerks cannot technically keep the order confidential at filing because an order is not issued instantaneously. This leads to issues with CCAP and possible exposure of the petitioner's name. Two, even though the statute mandates the order, some judges fail to make it, leading to confusion and uncertainty about the status of privacy protection. Therefore, we recommend eliminating references to actions or orders by a judge or commissioner. Section 813.122(3)(b) should be amended or replaced to contain the following language:

- 1. All persons, other than the parties, their attorneys, witnesses, child victim advocates, service representatives, as defined in s. 895.45 (1) (c), court personnel and any guardian ad litem, are excluded from any hearing under this section.*
- 2. Access to any record of an action under this section is confidential and will be available only to the parties, their attorneys, any guardian ad litem, court personnel, the child victim, law*

enforcement and any applicable court upon appeal or to any other person as required by law or as necessary to effect service or upon order of the court for good cause shown.

3. The court or circuit court commissioner may order that a guardian ad litem be appointed for the child victim in accordance with s. 48.235.

Note section 11 is fine as drafted. It is essential to this aspect of the bill.

This specific issue—a court filing which should otherwise be confidential being publically available pending a judge's order—has been a problem with the confidential name change statute for victims of domestic violence. This technical problem could also be corrected in this bill if you are interesting and willing to address it. Fixing this problem would simply require the following language

In section 786.36 the following provision is created:

If a petition for a name change requests an order under s. 786.37(4), the petitioner's identify shall be confidential and the petition and any records in the case are sealed and may not be disclosed to the public unless the court orders the disclosure for good cause shown.

Validity of a TRO pending judicial substitution

The draft should include a provision that deals with the validity of a TRO pending judicial substitution. Some have argued that a judicial substitution invalidates a TRO, leaving the victim without protection.

801.58 (8) If a request for substitution is found to be timely and in the proper form under (2), any ex parte order previously granted shall remain in effect according to the terms of the order. Any subsequent motion to modify or vacate the order may be heard by the newly appointed judge. A temporary restraining order under ss. 813.12 (3), 813.122 (4), 813.123 (4) and 813.125 (3) shall be automatically extended until the newly assigned judge holds a hearing in the case.

Passy
or
Troy



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0720/P1
CMH:kjf:jm

p2

SDN
in 2/26

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

per co

1 AN ACT *to renumber* 813.122 (3) (b) 2. and 3. and 813.122 (3) (bm); *to*
2 *consolidate, renumber and amend* 813.122 (3) (b) (intro.) and 1.; *to amend*
3 813.12 (1) (am) 6., 813.12 (3) (c), 813.12 (4) (c) 4., 813.122 (4) (c), 813.122 (5) (d)
4 4., 813.123 (4) (c), 813.123 (5) (c) 4., 813.125 (3) (a) (intro.), 813.125 (3) (c),
5 813.125 (4) (a) (intro.) and 813.126; and *to create* 813.12 (1) (am) 4., 813.122
6 (3) (bc) (intro.), 813.122 (5g) and 813.123 (5g) of the statutes; **relating to:**
7 temporary restraining orders and injunctions for domestic abuse, child abuse,
8 individuals at risk, and harassment.

Analysis by the Legislative Reference Bureau

Current law defines domestic abuse, for the purpose of issuing a domestic abuse temporary restraining order (TRO) or injunction, as intentionally inflicting pain, injury, or illness on another, impairing another's physical condition, sexual assault, damage to another's property, or a threat to do any of those actions if the actor is engaging in the action against another adult family or household member, an adult who is under the actor's care, the actor's former spouse, a person with whom the actor has or had a dating relationship, or an adult with whom the actor has a child in common. This bill adds stalking, or a threat to stalk, to the actions that constitute domestic abuse.

Under current law, ^{are excluded} ~~in an action involving the issuance of~~ a harassment TRO or injunction, the court may order the respondent to cease or avoid the harassment of another person or to avoid the petitioner's residence, any premises temporarily occupied by the petitioner, or both. Under this bill, the court may order the respondent to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent.

Under current law, in an action involving the issuance of a child abuse TRO or injunction, the court may exclude from the hearing all persons except the parties, their attorneys, witnesses, child victim advocates, and certain others (essential persons) and may deny access to persons who are not essential persons to any records of the action. Under this bill, ^{when issuing} ~~the court is required to exclude~~ all persons who are not essential persons and ~~deny them access to~~ any records of the action.

In actions involving the issuance of domestic abuse or harassment TROs or injunctions, current law provides for the confidentiality of the victim's addresses. This bill provides for the confidentiality of the addresses of victims in actions involving the issuance of individual ^{are confidential and available only to essential persons} at risk and child abuse TROs and injunctions.

Under current law, in general, a judge must hold a hearing on the issuance of a domestic abuse, child abuse, individual at risk, or harassment injunction within 14 days of issuing a TRO. This bill specifies that a judge ^{may not extend the TRO in lieu of holding the hearing.} ~~may not extend the TRO in lieu of holding the hearing.~~ ^{on the injunction} ~~may not extend the TRO in lieu of holding the hearing.~~ ^{court}

This bill specifies that, in actions involving the issuance of child abuse TROs or injunctions, the victim or the petitioner, if the petitioner is the parent of the victim, does not have to pay the compensation of the guardian ad litem. This bill also specifies that, if a person seeks a new hearing of a determination, order, or ruling a court makes in an action involving the issuance of a domestic abuse, child abuse, individual at risk, or harassment TRO or injunction, the determination, order, or ruling made in the original hearing remains in effect until the final determination, order, or ruling is made in the new hearing. ^{any parent, stepparent, or legal guardian}

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

~~#~~ Section 48.235 (8)(c) 3. ^{LR}

- 1 48.235 (8) (c) 3. In a proceeding under s. 813.122 or 813.125, the court may not
2 order the child victim or, if the petitioner is a parent of the child victim, the petitioner,
3 to pay any part of the compensation of the guardian ad litem.

4 **SECTION 1.** 813.12 (1) (am) 4. of the statutes is created to read:

813.12 (1) (am) 4. A violation of s. 940.32.

or any parent, stepparent,
or legal guardian who is not
a party to the action.

✓
1 **SECTION 2.** 813.12 (1) (am) 6. of the statutes is amended to read:

2 813.12 (1) (am) 6. A threat to engage in the conduct under subd. 1., 2., 3., 4.,
3 or 5.

✓
4 **SECTION 3.** 813.12 (3) (c) of the statutes is amended to read:

5 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
6 on issuance of an injunction under sub. (4). The temporary restraining order is not
7 voided if the respondent is admitted into a dwelling that the order directs him or her
8 to avoid. A judge or circuit court commissioner shall hold a hearing on issuance of
9 an injunction within 14 days after the temporary restraining order is issued, unless
10 the time is extended upon the written consent of the parties or extended once for 14
11 days upon a finding that the respondent has not been served with a copy of the
12 temporary restraining order although the petitioner has exercised due diligence. A
13 judge ^{or court commissioner} may not extend the temporary restraining order in lieu of ~~holding a hearing~~
14 on the issuance of an injunction. ruling

15 **SECTION 4.** 813.12 (4) (c) 4. of the statutes is amended to read:

16 813.12 (4) (c) 4. ~~Notice need not be given to the respondent before extending~~
17 The petitioner shall attempt to serve notice on a respondent before a court extends
18 an injunction under subd. 2., but failure to provide the notice does not relieve the
19 court of its duty to extend the injunction as described under subd. 2. The petitioner
20 shall notify the respondent after the court extends an injunction under subd. 2.

****NOTE: Please review this section and SECTIONS 10 and 13 to ensure that they
are consistent with your intent.

✓
21 **SECTION 5.** 813.122 (3) (b) (intro.) and 1. of the statutes are consolidated,
22 renumbered 813.122 (3) (b) 1m. and amended to read:

INS
3-21

1 813.122 (3) (b) 1m. The Except as provided in subd. 2m., the court or circuit
2 court commissioner, on its or his or her own motion or the motion of any party, may
3 order ~~one or more of the following: 1. That that~~ a guardian ad litem be appointed
4 for the child victim in accordance with s. 48.235.

5 **SECTION 6.** 813.122 (3) (b) 2. and 3. of the statutes are renumbered 813.122 (3)
6 (bc) 2. and 3.

7 **SECTION 7.** 813.122 (3) (bc) (intro.) of the statutes is created to read:
8 813.122 (3) (bc) (intro.) The court or circuit court commissioner shall order all
9 of the following:

10 **SECTION 8.** 813.122 (3) (bm) of the statutes is renumbered 813.122 (3) (b) 2m.

11 **SECTION 9.** 813.122 (4) (c) of the statutes is amended to read:

12 813.122 (4) (c) The temporary restraining order is in effect until a hearing is
13 held on issuance of an injunction under sub. (5). A judge shall hold a hearing on
14 issuance of an injunction within 14 days after the temporary restraining order is
15 issued, unless the time is extended upon the written consent of the parties or
16 extended once for 14 days upon a finding that the respondent has not been served
17 with a copy of the temporary restraining order although the petitioner has exercised
18 due diligence. A judge ^{or court commissioner} may not extend the temporary restraining order in lieu of
19 holding a hearing on the issuance of an injunction.

20 **SECTION 10.** 813.122 (5) (d) 4. of the statutes is amended to read:

21 813.122 (5) (d) 4. ~~Notice need not be given to the respondent before extending~~
22 The petitioner shall attempt to serve notice on a respondent before a court extends
23 an injunction under subd. 2. or 3., but failure to provide the notice does not relieve
24 the court of its duty to extend the injunction as described under subd. 2. or 3. The

petitioner shall notify the respondent after the court extends an injunction under subd. 2. or 3.

SECTION 11. 813.122 (5g) of the statutes is created to read:

813.122 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and the court order under sub. (4) or (5) may not disclose the address of the petitioner or of the alleged child victim. The petitioner shall provide the clerk of circuit court with the address of the petitioner and of the alleged child victim when he or she files a petition under this section. The clerk shall maintain the addresses in a confidential manner.

SECTION 12. 813.123 (4) (c) of the statutes is amended to read:

813.123 (4) (c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (5). A judge shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence. A judge ^{or court commissioner} may not extend the temporary restraining order in lieu of holding a hearing on the issuance of an injunction.

SECTION 13. 813.123 (5) (c) 4. of the statutes is amended to read:

813.123 (5) (c) 4. ~~Notice need not be given to the respondent before extending~~
The petitioner shall attempt to serve notice on a respondent before a court extends
an injunction under subd. 2. or 3., but failure to provide the notice does not relieve
the court of its duty to extend the injunction as described under subd. 2. or 3. The
petitioner shall notify the respondent after the court extends an injunction under
subd. 2. or 3.

1 **SECTION 14.** 813.123 (5g) of the statutes is created to read: ✓

2 813.123 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and
3 the court order under sub. (4) or (5) may not disclose the address of the petitioner or
4 of the individual at risk. The petitioner shall provide the clerk of circuit court with
5 the address of the petitioner and of the individual at risk when he or she files a
6 petition under this section. The clerk shall maintain the addresses in a confidential
7 manner.

8 **SECTION 15.** 813.125 (3) (a) (intro.) of the statutes is amended to read: ✓

9 813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a
10 temporary restraining order ordering the respondent to avoid contacting or causing
11 any person other than a party's attorney or a law enforcement officer to contact the
12 petitioner without the petitioner's written consent; to cease or avoid the harassment
13 of another person; to avoid the petitioner's residence, except as provided in par. (am),
14 or any premises temporarily occupied by the petitioner or both; or any combination
15 of these remedies requested in the petition, if all of the following occur:

16 **SECTION 16.** 813.125 (3) (c) of the statutes is amended to read: ✓

17 813.125 (3) (c) The temporary restraining order is in effect until a hearing is
18 held on issuance of an injunction under sub. (4). A judge or circuit court
19 commissioner shall hold a hearing on issuance of an injunction within 14 days after
20 the temporary restraining order is issued, unless the time is extended upon the
21 written consent of the parties or extended once for 14 days upon a finding that the
22 respondent has not been served with a copy of the temporary restraining order
23 although the petitioner has exercised due diligence. A judge or court commissioner
24 may not extend the
25 temporary restraining order in lieu of holding a hearing on the issuance of an
injunction. roling

✓
1 **SECTION 17.** 813.125 (4) (a) (intro.) of the statutes is amended to read:

2 813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an
3 injunction ordering the respondent to avoid contacting or causing any person other
4 than a party's attorney or a law enforcement officer to contact the petitioner without
5 the petitioner's written consent; to cease or avoid the harassment of another person;;
6 to avoid the petitioner's residence, except as provided in par. (am), or any premises
7 temporarily occupied by the petitioner or both;; or any combination of these remedies
8 requested in the petition, if all of the following occur:

9 **SECTION 18.** 813.126 of the statutes is ^{renumbered 813.126 (1) and} amended to read:

10 **813.126 New hearing.** (1) ← (g) If a party seeks to have the judge conduct a hearing
11 de novo under s. 757.69 (8) of a determination, order, or ruling entered by a court
12 commissioner in an action under s. 813.12, 813.122, 813.123, or 813.125, including
13 a denial of a request for a temporary restraining order, the motion requesting the
14 hearing must be filed with the court within 30 days after the circuit court
15 commissioner issued the determination, order, or ruling. The court shall hold the de
16 novo hearing within 30 days after the motion requesting the hearing is filed with the
17 court unless the court finds good cause for an extension. Any determination, order,
18 or ruling entered by a court commissioner in an action under s. 813.12, 813.122,
19 813.123, or 813.125 remains in effect until the judge in the de novo hearing issues
20 his or her final determination, order, or ruling.

21 **SECTION 19. Initial applicability.**

22 (1) CLOSED HEARINGS AND SEALED RECORDS IN ACTIONS FOR CHILD ABUSE TEMPORARY
23 RESTRAINING ORDERS AND INJUNCTIONS. The treatment of section 813.122 (3) (b)
24 (intro.), 1., 2., and 3. (bc) (intro.), and (bm) of the statutes first applies to a petition
25 filed under section 813.122 of the statutes on the effective date of this subsection.

1 (2) CONFIDENTIALITY OF ADDRESSES. The treatment of sections 813.122 (5g) and
2 813.123 (5g) of the statutes first applies to a petition filed under sections^g 813.122 or
3 813.123 of the statutes on the effective date of this subsection.

4 (3) HARASSMENT ORDERS. The treatment of sections^g 813.125 (3) (a) (intro.) and
5 (4) (a) (intro.) of the statutes first applies to a temporary restraining order or
6 injunction issued under section 813.125 of the statutes on the effective date of this
7 subsection.

8 (4) NEW HEARINGS. The treatment ^{renumbering and amendment} of section 813.126^g of the statutes first applies
9 to a motion requesting a de novo hearing filed on the effective date of this subsection.

10 (END)

of

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0720/p2ins
CMH:.....

1 Insert A (no paragraph)

no #
X Finally, the bill specifies that, in the event that a new judge substitutes for the original judge in an action involving the issuance of a domestic abuse, child abuse, individuals at risk, or harassment TRO or injunction, any order granted by the original judge remains in effect and the new judge must hear any subsequent motion to modify or vacate the order and any TRO issued by the original judge is automatically extended until the new judge holds an injunction hearing.

2
3 Insert 2-4

4 **SECTION 1.** 786.37 (4) of the statutes is amended to read:

5 786.37 (4) Subsection (1) does not apply if the petitioner shows, by a
6 preponderance of the evidence, that publication of his or her petition could endanger
7 him or her and that he or she is not seeking a name change in order to avoid a debt
8 or conceal a criminal record. If a petitioner shows that publication could endanger
9 him or her and that he or she is not seeking a name change in order to avoid a debt
10 or conceal a criminal record, the petitioner's identity is confidential and the petition
11 and any related records must be sealed and may not be disclosed unless the court
12 orders the disclosure for good cause shown.

13 History: 1975 c. 261; 1979 c. 32 s. 63; 1979 c. 330 s. 13; Stats. 1979 s. 786.37; 1987 a. 403; 1993 a. 446; 2003 a. 65; 2009 a. 28; 2011 a. 274.

14 Insert 3-21

15 **SECTION 2.** 813.12 (4) (c) 4. of the statutes is amended to read:

16 813.12 (4) (c) 4. Notice need not be given to the respondent before extending
17 an injunction under subd. 2. The petitioner clerk of courts shall notify the
18 respondent after the court extends an injunction under subd. 2.

19 History: 1983 a. 204, 540; 1985 a. 29, 135; 1989 a. 193; 1993 a. 319; 1995 a. 71, 306; 1999 a. 162; 2001 a. 61, 109; 2003 a. 321; 2005 a. 387; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35, 266.

1 Insert 4-10

2 **SECTION 3.** 813.122 (3) (b) 2. and 3. of the statutes are renumbered 813.122 (3)

3 (bp) and (bq) and amended to read:

4 813.122 (3) (bp) ~~That all~~ All persons, other than the parties, their attorneys,
5 witnesses, child victim advocates, service representatives, as defined in s. 895.45 (1)
6 (c), court personnel and any guardian ad litem, shall be excluded from any hearing
7 under this section.

8 (bq) ~~That access to any~~ Any record of an action under this section ~~be is~~
9 confidential and is available only to the parties, their attorneys, any guardian ad
10 litem, court personnel, the child victim, law enforcement, and any applicable court
11 upon appeal, except that a record may be available to any other person as required
12 by law, as necessary to effect service, or upon a court order for good cause shown.

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292; 2001 a. 61; 2005 a. 155, 272; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35.

14 Insert 5-3

15 **SECTION 4.** 813.122 (5) (d) 4. of the statutes is amended to read:

16 813.122 (5) (d) 4. Notice need not be given to the respondent before extending
17 an injunction under subd. 2. or 3. The ~~petitioner~~ clerk of courts shall notify the
18 respondent after the court extends an injunction under subd. 2. or 3.

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292; 2001 a. 61; 2005 a. 155, 272; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35.

20 Insert 5-25

21 **SECTION 5.** 813.123 (5) (c) 4. of the statutes is amended to read:

1 813.123 (5) (c) 4. Notice need not be given to the respondent before extending
2 an injunction under subd. 2. or 3. The ~~petitioner~~ clerk of courts shall notify the
3 respondent after the court extends an injunction under subd. 2. or 3.

4 History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; 2007 a. 45, 96, 124; 2009 a. 262.

5 Insert 7-9

6 **SECTION 6.** 813.126 (title) of the statutes is amended to read:

7 **813.126** (title) **New hearing; substitution of judge.**

8 History: 2009 a. 262.

9 Insert 7-21

10 **SECTION 7.** 813.126 (2) of the statutes is created to read:

11 813.126 (2) If a request for a substitution of a judge is made under s. 801.58,
12 any order granted under s. 813.12[✓], 813.122[✓], 813.123[✓], or 813.125[✓] remains in effect
13 according to the terms of the order. The new judge shall hear any subsequent motion
14 to modify or vacate the order. Any temporary restraining order issued under s.
15 813.12[✓] (3), 813.122[✓] (4), 813.123[✓] (4), or 813.125[✓] (3) by the original judge is
16 automatically extended until the new judge holds a hearing in the case.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

p 3, l 2 - delete

"if the ~~est~~ Δ,

the Δ"

p 3, l 9

judge orders sealed

@ end --

clerk must seal



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0720/P2
CMH:kjf:rs

P3

Thus
if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

repeal

1 **AN ACT** *to renumber* 813.122 (3) (bm); *to renumber and amend* 813.122 (3)
2 (b) 2. and 3. and 813.126; *to consolidate, renumber and amend* 813.122 (3)
3 (b) (intro.) and 1.; *to amend* 786.37 (4), 813.12 (1) (am) 6., 813.12 (3) (c), 813.12
4 (4) (c) 4., 813.122 (4) (c), 813.122 (5) (d) 4., 813.123 (4) (c), 813.123 (5) (c) 4.,
5 813.125 (3) (a) (intro.), 813.125 (3) (c), 813.125 (4) (a) (intro.) and 813.126 (title);
6 and *to create* 48.235 (8) (c) 3., 813.12 (1) (am) 4., 813.122 (5g), 813.123 (5g) and
7 813.126 (2) of the statutes; **relating to:** temporary restraining orders and
8 injunctions for domestic abuse, child abuse, individuals at risk, and
9 harassment, confidential name change petitions, and

ex parte orders with a judge
Substitution

Analysis by the Legislative Reference Bureau

Current law defines domestic abuse, for the purpose of issuing a domestic abuse temporary restraining order (TRO) or injunction, as intentionally inflicting pain, injury, or illness on another, impairing another's physical condition, sexual assault, damage to another's property, or a threat to do any of those actions if the actor is engaging in the action against another adult family or household member, an adult who is under the actor's care, the actor's former spouse, a person with whom the actor has or had a dating relationship, or an adult with whom the actor has a child in

common. This bill adds stalking, or a threat to stalk, to the actions that constitute domestic abuse.

Under current law, when issuing a harassment TRO or injunction, the court may order the respondent to cease or avoid the harassment of another person or to avoid the petitioner's residence, any premises temporarily occupied by the petitioner, or both. Under this bill, the court may order the respondent to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent.

Under current law, in an action involving the issuance of a child abuse TRO or injunction, the court may exclude from the hearing all persons except the parties, their attorneys, witnesses, child victim advocates, and certain others (essential persons) and may deny access to persons who are not essential persons to any records of the action. Under this bill, all persons who are not essential persons are excluded and any records of the action are confidential and available only to essential persons.

In actions involving the issuance of a domestic abuse or harassment TRO or injunction, current law provides for the confidentiality of the victim's addresses. This bill provides for the confidentiality of the addresses of a victim in an action involving the issuance of an individual-at-risk or a child abuse TRO or injunction.

Under current law, in general, a judge must hold a hearing on the issuance of a domestic abuse, child abuse, individual-at-risk, or harassment injunction within 14 days of issuing a TRO. This bill specifies that a court may not extend the TRO in lieu of ruling on the injunction.

This bill specifies that, in an action involving the issuance of a child abuse TRO or injunction, the victim or the petitioner, if the petitioner is the parent of the victim, any parent, stepparent, or legal guardian does not have to pay the compensation of the guardian ad litem. This bill also specifies that, if a person seeks a new hearing of a determination, order, or ruling a court makes in an action involving the issuance of a domestic abuse, child abuse, individual-at-risk, or harassment TRO or injunction, the determination, order, or ruling made in the original hearing remains in effect until the final determination, order, or ruling is made in the new hearing. Finally, the bill specifies that, in the event that a new judge substitutes for the original judge in an action involving the issuance of a domestic abuse, child abuse, individual-at-risk, or harassment TRO or injunction, any order granted by the original judge remains in effect and the new judge must hear any subsequent motion to modify or vacate the order and any TRO issued by the original judge is automatically extended until the new judge holds an injunction hearing.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.235 (8) (c) 3. of the statutes is created to read:

48.235 (8) (c) 3. In a proceeding under s. 813.122 or 813.125, the court may not order the child victim or, if the petitioner is a parent of the child victim, the petitioner, or any parent, stepparent, or legal guardian^{of the child victim} who is not a party to the action, to pay any part of the compensation of the guardian ad litem.

SECTION 2. 786.37 (4) of the statutes is amended to read:

786.37 (4) Subsection (1) does not apply if the petitioner shows, by a preponderance of the evidence, that publication of his or her petition could endanger him or her and that he or she is not seeking a name change in order to avoid a debt or conceal a criminal record. If a petitioner shows that publication could endanger him or her and that he or she is not seeking a name change in order to avoid a debt or conceal a criminal record, the petitioner's identity is confidential and the petition and any related records must be sealed and may not be disclosed unless the court orders the disclosure for good cause shown.

SECTION 3. 813.12 (1) (am) 4. of the statutes is created to read:

813.12 (1) (am) 4. A violation of s. 940.32.

SECTION 4. 813.12 (1) (am) 6. of the statutes is amended to read:

813.12 (1) (am) 6. A threat to engage in the conduct under subd. 1., 2., 3., 4., or 5.

SECTION 5. 813.12 (3) (c) of the statutes is amended to read:

813.12 (3) (c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4). The temporary restraining order is not voided if the respondent is admitted into a dwelling that the order directs him or her to avoid. A judge or circuit court commissioner shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 14

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1 days upon a finding that the respondent has not been served with a copy of the
2 temporary restraining order although the petitioner has exercised due diligence. A
3 judge or court commissioner may not extend the temporary restraining order in lieu
4 of ruling on the issuance of an injunction. ✓

5 **SECTION 6.** 813.12 (4) (c) 4. of the statutes is amended to read:

6 813.12 (4) (c) 4. Notice need not be given to the respondent before extending
7 an injunction under subd. 2. The ~~petitioner~~ clerk of courts shall notify the
8 respondent after the court extends an injunction under subd. 2. ✓

9 **SECTION 7.** 813.122 (3) (b) (intro.) and 1. of the statutes are consolidated,
10 renumbered 813.122 (3) (b) 1m. and amended to read:

11 813.122 (3) (b) 1m. The Except as provided in subd. 2m., the court or circuit
12 court commissioner, on its or his or her own motion or the motion of any party, may
13 order ~~one or more of the following:~~ 1. ~~That~~ that a guardian ad litem be appointed
14 for the child victim in accordance with s. 48.235. ✓

15 **SECTION 8.** 813.122 (3) (b) 2. and 3. of the statutes are renumbered 813.122 (3)
16 (bp) and (bq) and amended to read:

17 813.122 (3) (bp) ~~That all~~ All persons, other than the parties, their attorneys,
18 witnesses, child victim advocates, service representatives, as defined in s. 895.45 (1)
19 (c), court personnel and any guardian ad litem, shall be excluded from any hearing
20 under this section.

21 (bq) ~~That access to any~~ Any record of an action under this section ~~be is~~
22 confidential and is available only to the parties, their attorneys, any guardian ad
23 litem, court personnel, the child victim, law enforcement, and any applicable court
24 upon appeal, except that a record may be available to any other person as required
25 by law, as necessary to effect service, or upon a court order for good cause shown.

✓
1 SECTION 9. 813.122 (3) (bm) of the statutes is renumbered 813.122 (3) (b) 2m.

✓
2 SECTION 10. 813.122 (4) (c) of the statutes is amended to read:

3 813.122 (4) (c) The temporary restraining order is in effect until a hearing is
4 held on issuance of an injunction under sub. (5). A judge shall hold a hearing on
5 issuance of an injunction within 14 days after the temporary restraining order is
6 issued, unless the time is extended upon the written consent of the parties or
7 extended once for 14 days upon a finding that the respondent has not been served
8 with a copy of the temporary restraining order although the petitioner has exercised
9 due diligence. A judge or court commissioner may not extend the temporary
10 restraining order in lieu of ruling on the issuance of an injunction.

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✓
11 SECTION 11. 813.122 (5) (d) 4. of the statutes is amended to read:

12 813.122 (5) (d) 4. Notice need not be given to the respondent before extending
13 an injunction under subd. 2. or 3. The ~~petitioner~~ clerk of courts shall notify the
14 respondent after the court extends an injunction under subd. 2. or 3.

✓
15 SECTION 12. 813.122 (5g) of the statutes is created to read:

16 813.122 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and
17 the court order under sub. (4) or (5) may not disclose the address of the petitioner or
18 of the alleged child victim. The petitioner shall provide the clerk of circuit court with
19 the address of the petitioner and of the alleged child victim when he or she files a
20 petition under this section. The clerk shall maintain the addresses in a confidential
21 manner.

✓
22 SECTION 13. 813.123 (4) (c) of the statutes is amended to read:

23 813.123 (4) (c) The temporary restraining order is in effect until a hearing is
24 held on issuance of an injunction under sub. (5). A judge shall hold a hearing on
25 issuance of an injunction within 14 days after the temporary restraining order is

1 issued, unless the time is extended upon the written consent of the parties^{INS} or
2 extended once for 14 days upon a finding that the respondent has not been served
3 with a copy of the temporary restraining order although the petitioner has exercised
4 due diligence. A judge or court commissioner may not extend the temporary
5 restraining order in lieu of ruling on the issuance of an injunction. EXT

6 **SECTION 14.** 813.123 (5) (c) 4. of the statutes is amended to read: ✓

7 813.123 (5) (c) 4. Notice need not be given to the respondent before extending
8 an injunction under subd. 2. or 3. The petitioner clerk of courts shall notify the
9 respondent after the court extends an injunction under subd. 2. or 3.

10 **SECTION 15.** 813.123 (5g) of the statutes is created to read: ✓

11 813.123 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and
12 the court order under sub. (4) or (5) may not disclose the address of the petitioner or
13 of the individual at risk. The petitioner shall provide the clerk of circuit court with
14 the address of the petitioner and of the individual at risk when he or she files a
15 petition under this section. The clerk shall maintain the addresses in a confidential
16 manner.

17 **SECTION 16.** 813.125 (3) (a) (intro.) of the statutes is amended to read: ✓

18 813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a
19 temporary restraining order ordering the respondent to avoid contacting or causing
20 any person other than a party's attorney or a law enforcement officer to contact the
21 petitioner without the petitioner's written consent; to cease or avoid the harassment
22 of another person; to avoid the petitioner's residence, except as provided in par. (am),
23 or any premises temporarily occupied by the petitioner or both; or any combination
24 of these remedies requested in the petition, if all of the following occur:

25 **SECTION 17.** 813.125 (3) (c) of the statutes is amended to read: ✓

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1 813.125 (3) (c) The temporary restraining order is in effect until a hearing is
2 held on issuance of an injunction under sub. (4). A judge or circuit court
3 commissioner shall hold a hearing on issuance of an injunction within 14 days after
4 the temporary restraining order is issued, unless the time is extended upon the
5 written consent of the parties or extended once for 14 days upon a finding that the
6 respondent has not been served with a copy of the temporary restraining order
7 although the petitioner has exercised due diligence. A judge or court commissioner
8 may not extend the temporary restraining order in lieu of ruling on the issuance of
9 an injunction.

10 SECTION 18. 813.125 (4) (a) (intro.) of the statutes is amended to read:

11 813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an
12 injunction ordering the respondent to avoid contacting or causing any person other
13 than a party's attorney or a law enforcement officer to contact the petitioner without
14 the petitioner's written consent; to cease or avoid the harassment of another person;
15 to avoid the petitioner's residence, except as provided in par. (am), or any premises
16 temporarily occupied by the petitioner or both; or any combination of these remedies
17 requested in the petition, if all of the following occur:

18 SECTION 19. 813.126 (title) of the statutes is amended to read:

19 **813.126 (title) New hearing; substitution of judge.**

20 SECTION 20. 813.126 of the statutes is renumbered 813.126 (1) and amended
21 to read:

22 (B) 813.126 (1) New hearing. If a party seeks to have the judge conduct a hearing de novo under
23 s. 757.69 (8) of a determination, order, or ruling entered by a court commissioner in
24 an action under s. 813.12, 813.122, 813.123, or 813.125, including a denial of a
25 request for a temporary restraining order, the motion requesting the hearing must

Change component

1 be filed with the court within 30 days after the circuit court commissioner issued the
2 determination, order, or ruling. The court shall hold the de novo hearing within 30
3 days after the motion requesting the hearing is filed with the court unless the court
4 finds good cause for an extension. Any determination, order, or ruling entered by a
5 court commissioner in an action under s. 813.12, 813.122, 813.123, or 813.125
6 remains in effect until the judge in the de novo hearing issues his or her final
7 determination, order, or ruling.

8 **SECTION 21.** 813.126 (2) of the statutes is created to read:

9 813.126 (2) If a request for a substitution of a judge is made under s. 801.58,
10 any order granted under s. 813.12, 813.122, 813.123, or 813.125 remains in effect
11 according to the terms of the order. The new judge shall hear any subsequent motion
12 to modify or vacate the order. Any temporary restraining order issued under s.
13 813.12 (3), 813.122 (4), 813.123 (4), or 813.125 (3) by the original judge is
14 automatically extended until the new judge holds a hearing in the case.

15 **SECTION 22. Initial applicability.**

16 (1) CLOSED HEARINGS AND SEALED RECORDS IN ACTIONS FOR CHILD ABUSE TEMPORARY
17 RESTRAINING ORDERS AND INJUNCTIONS. The treatment of section 813.122 (3) (b)
18 (intro.), 1., 2., and 3. and (bm) of the statutes first applies to a petition filed under
19 section 813.122 of the statutes on the effective date of this subsection.

20 (2) CONFIDENTIALITY OF ADDRESSES. The treatment of sections 813.122 (5g) and
21 813.123 (5g) of the statutes first applies to a petition filed under section 813.122 or
22 813.123 of the statutes on the effective date of this subsection.

23 (3) HARASSMENT ORDERS. The treatment of section 813.125 (3) (a) (intro.) and
24 (4) (a) (intro.) of the statutes first applies to a temporary restraining order or

1 injunction issued under section 813.125 of the statutes on the effective date of this
2 subsection.

3 (4) NEW HEARINGS. The renumbering and amendment of section 813.126 of the
4 statutes first applies to a motion requesting a de novo hearing filed on the effective
5 date of this subsection.

6 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0720/p3ins
CMH:.....

1 Insert 3-14

2 **SECTION 1.** 786.37 (4) of the statutes[✓] is amended to read:

3 786.37 (4) Subsection If a petitioner requests that his or her petition to change
4 or establish a name remain confidential, the clerk of court shall ensure that the name
5 change petition is confidential upon the filing of the petition and sub. (1) does not
6 apply if to the petitioner shows. The court may require the petitioner to comply with
7 sub. (1)[✓] if the petitioner is unable to show, by a preponderance of the evidence, that
8 publication of his or her petition could endanger him or her and that he or she is not
9 seeking a name change in order to avoid a debt or conceal a criminal record.

10 History: 1975 c. 261; 1979 c. 32 s. 63; 1979 c. 330 s. 13; Stats. 1979 s. 786.37; 1987 a. 403; 1993 a. 446; 2003 a. 65; 2009 a. 28; 2011 a. 274.

10 **SECTION 2.** 801.58 (2m) of the statutes[✓] is created to read:

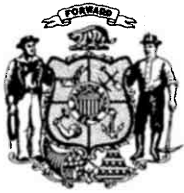
11 801.58 (2m) If, under sub. (2),[✓] the judge determines that the request for
12 substitution was made timely and in proper form, any ex parte order granted by the
13 original judge remains in effect according to the terms, except that a temporary
14 restraining order issued under s. 813.12 (3),[✓] 813.122 (4),[✓] 813.123 (4),[✓] or 813.125 (3)[✓]
15 by the original judge is extended until the newly assigned judge holds a hearing on
16 the issuance of an injunction. The newly assigned judge shall hear any subsequent
17 motion to modify or vacate any ex parte order granted by the original judge.

18
19 Insert EXT (use four times)

20 , extended under s. 801.58 (2m),[✓]

21
22 Insert 8-16

- 1 (0) NAME CHANGE PETITIONS. The treatment of section 786.37 (4) of the statutes
2 first applies to petitions filed on the effective date of this subsection.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0720/P3
CMH:kjf:jf

Today
if
possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

no
changes

refer out.

1 **AN ACT** *to renumber* 813.122 (3) (bm); *to renumber and amend* 813.122 (3)
2 (b) 2. and 3.; *to consolidate, renumber and amend* 813.122 (3) (b) (intro.)
3 and 1.; *to amend* 786.37 (4), 813.12 (1) (am) 6., 813.12 (3) (c), 813.12 (4) (c) 4.,
4 813.122 (4) (c), 813.122 (5) (d) 4., 813.123 (4) (c), 813.123 (5) (c) 4., 813.125 (3)
5 (a) (intro.), 813.125 (3) (c), 813.125 (4) (a) (intro.) and 813.126; and *to create*
6 48.235 (8) (c) 3., 801.58 (2m), 813.12 (1) (am) 4., 813.122 (5g) and 813.123 (5g)
7 of the statutes; **relating to:** temporary restraining orders and injunctions for
8 domestic abuse, child abuse, individuals at risk, and harassment, confidential
9 name change petitions, and ex parte orders with a judge substitution.

Analysis by the Legislative Reference Bureau

Current law defines domestic abuse, for the purpose of issuing a domestic abuse temporary restraining order (TRO) or injunction, as intentionally inflicting pain, injury, or illness on another, impairing another's physical condition, sexual assault, damage to another's property, or a threat to do any of those actions if the actor is engaging in the action against another adult family or household member, an adult who is under the actor's care, the actor's former spouse, a person with whom the actor has or had a dating relationship, or an adult with whom the actor has a child in

common. This bill adds stalking, or a threat to stalk, to the actions that constitute domestic abuse.

Under current law, when issuing a harassment TRO or injunction, the court may order the respondent to cease or avoid the harassment of another person or to avoid the petitioner's residence, any premises temporarily occupied by the petitioner, or both. Under this bill, the court may order the respondent to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent.

Under current law, in an action involving the issuance of a child abuse TRO or injunction, the court may exclude from the hearing all persons except the parties, their attorneys, witnesses, child victim advocates, and certain others (essential persons) and may deny access to persons who are not essential persons to any records of the action. Under this bill, all persons who are not essential persons are excluded and any records of the action are confidential and available only to essential persons.

In actions involving the issuance of a domestic abuse or harassment TRO or injunction, current law provides for the confidentiality of the victim's addresses. This bill provides for the confidentiality of the addresses of a victim in an action involving the issuance of an individual-at-risk or a child abuse TRO or injunction.

Under current law, in general, a judge must hold a hearing on the issuance of a domestic abuse, child abuse, individual-at-risk, or harassment injunction within 14 days of issuing a TRO. This bill specifies that a court may not extend the TRO in lieu of ruling on the injunction.

This bill specifies that, in an action involving the issuance of a child abuse TRO or injunction, the victim or the victim's parent, stepparent, or legal guardian does not have to pay the compensation of the guardian ad litem. This bill also specifies that, if a person seeks a new hearing of a determination, order, or ruling a court makes in an action involving the issuance of a domestic abuse, child abuse, individual-at-risk, or harassment TRO or injunction, the determination, order, or ruling made in the original hearing remains in effect until the final determination, order, or ruling is made in the new hearing. Finally, the bill specifies that, in the event that a new judge substitutes for the original judge, any ex parte order, which includes a TRO, granted by the original judge remains in effect and the new judge must hear any subsequent motion to modify or vacate the order and any TRO issued by the original judge is automatically extended until the new judge holds an injunction hearing.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 48.235 (8) (c) 3. of the statutes is created to read:
- 2 48.235 (8) (c) 3. In a proceeding under s. 813.122 or 813.125, the court may not
- 3 order the child victim or any parent, stepparent, or legal guardian of the child victim

1 who is not a party to the action, to pay any part of the compensation of the guardian
2 ad litem.

3 **SECTION 2.** 786.37 (4) of the statutes is amended to read:

4 786.37 (4) ~~Subsection~~ If a petitioner requests that his or her petition to change
5 or establish a name remain confidential, the clerk of court shall ensure that the name
6 change petition is confidential upon the filing of the petition and sub. (1) does not
7 apply if to the petitioner shows. The court may require the petitioner to comply with
8 sub. (1) if the petitioner is unable to show, by a preponderance of the evidence, that
9 publication of his or her petition could endanger him or her and that he or she is not
10 seeking a name change in order to avoid a debt or conceal a criminal record.

11 **SECTION 3.** 801.58 (2m) of the statutes is created to read:

12 801.58 (2m) If, under sub. (2), the judge determines that the request for
13 substitution was made timely and in proper form, any ex parte order granted by the
14 original judge remains in effect according to the terms, except that a temporary
15 restraining order issued under s. 813.12 (3), 813.122 (4), 813.123 (4), or 813.125 (3)
16 by the original judge is extended until the newly assigned judge holds a hearing on
17 the issuance of an injunction. The newly assigned judge shall hear any subsequent
18 motion to modify or vacate any ex parte order granted by the original judge.

19 **SECTION 4.** 813.12 (1) (am) 4. of the statutes is created to read:

20 813.12 (1) (am) 4. A violation of s. 940.32.

21 **SECTION 5.** 813.12 (1) (am) 6. of the statutes is amended to read:

22 813.12 (1) (am) 6. A threat to engage in the conduct under subd. 1., 2., 3., 4.,
23 or 5.

24 **SECTION 6.** 813.12 (3) (c) of the statutes is amended to read:

1 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
2 on issuance of an injunction under sub. (4). The temporary restraining order is not
3 voided if the respondent is admitted into a dwelling that the order directs him or her
4 to avoid. A judge or circuit court commissioner shall hold a hearing on issuance of
5 an injunction within 14 days after the temporary restraining order is issued, unless
6 the time is extended upon the written consent of the parties, extended under s.
7 801.58 (2m), or extended once for 14 days upon a finding that the respondent has not
8 been served with a copy of the temporary restraining order although the petitioner
9 has exercised due diligence. A judge or court commissioner may not extend the
10 temporary restraining order in lieu of ruling on the issuance of an injunction.

11 **SECTION 7.** 813.12 (4) (c) 4. of the statutes is amended to read:

12 813.12 (4) (c) 4. Notice need not be given to the respondent before extending
13 an injunction under subd. 2. The petitioner clerk of courts shall notify the
14 respondent after the court extends an injunction under subd. 2.

15 **SECTION 8.** 813.122 (3) (b) (intro.) and 1. of the statutes are consolidated,
16 renumbered 813.122 (3) (b) 1m. and amended to read:

17 813.122 (3) (b) 1m. The Except as provided in subd. 2m., the court or circuit
18 court commissioner, on its or his or her own motion or the motion of any party, may
19 order ~~one or more of the following:~~ 1. ~~That~~ that a guardian ad litem be appointed
20 for the child victim in accordance with s. 48.235.

21 **SECTION 9.** 813.122 (3) (b) 2. and 3. of the statutes are renumbered 813.122 (3)
22 (bp) and (bq) and amended to read:

23 813.122 (3) (bp) ~~That all~~ All persons, other than the parties, their attorneys,
24 witnesses, child victim advocates, service representatives, as defined in s. 895.45 (1)

1 (c), court personnel and any guardian ad litem, shall be excluded from any hearing
2 under this section.

3 (bq) ~~That access to any~~ Any record of an action under this section ~~be is~~
4 confidential and is available only to the parties, their attorneys, any guardian ad
5 litem, court personnel, the child victim, law enforcement, and any applicable court
6 upon appeal, except that a record may be available to any other person as required
7 by law, as necessary to effect service, or upon a court order for good cause shown.

8 **SECTION 10.** 813.122 (3) (bm) of the statutes is renumbered 813.122 (3) (b) 2m.

9 **SECTION 11.** 813.122 (4) (c) of the statutes is amended to read:

10 813.122 (4) (c) The temporary restraining order is in effect until a hearing is
11 held on issuance of an injunction under sub. (5). A judge shall hold a hearing on
12 issuance of an injunction within 14 days after the temporary restraining order is
13 issued, unless the time is extended upon the written consent of the parties, extended
14 under s. 801.58 (2m), or extended once for 14 days upon a finding that the respondent
15 has not been served with a copy of the temporary restraining order although the
16 petitioner has exercised due diligence. A judge or court commissioner may not
17 extend the temporary restraining order in lieu of ruling on the issuance of an
18 injunction.

19 **SECTION 12.** 813.122 (5) (d) 4. of the statutes is amended to read:

20 813.122 (5) (d) 4. Notice need not be given to the respondent before extending
21 an injunction under subd. 2. or 3. The ~~petitioner~~ clerk of courts shall notify the
22 respondent after the court extends an injunction under subd. 2. or 3.

23 **SECTION 13.** 813.122 (5g) of the statutes is created to read:

24 813.122 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and
25 the court order under sub. (4) or (5) may not disclose the address of the petitioner or

1 of the alleged child victim. The petitioner shall provide the clerk of circuit court with
2 the address of the petitioner and of the alleged child victim when he or she files a
3 petition under this section. The clerk shall maintain the addresses in a confidential
4 manner.

5 **SECTION 14.** 813.123 (4) (c) of the statutes is amended to read:

6 813.123 (4) (c) The temporary restraining order is in effect until a hearing is
7 held on issuance of an injunction under sub. (5). A judge shall hold a hearing on
8 issuance of an injunction within 14 days after the temporary restraining order is
9 issued, unless the time is extended upon the written consent of the parties, extended
10 under s. 801.58 (2m), or extended once for 14 days upon a finding that the respondent
11 has not been served with a copy of the temporary restraining order although the
12 petitioner has exercised due diligence. A judge or court commissioner may not
13 extend the temporary restraining order in lieu of ruling on the issuance of an
14 injunction.

15 **SECTION 15.** 813.123 (5) (c) 4. of the statutes is amended to read:

16 813.123 (5) (c) 4. Notice need not be given to the respondent before extending
17 an injunction under subd. 2. or 3. The ~~petitioner~~ clerk of courts shall notify the
18 respondent after the court extends an injunction under subd. 2. or 3.

19 **SECTION 16.** 813.123 (5g) of the statutes is created to read:

20 813.123 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and
21 the court order under sub. (4) or (5) may not disclose the address of the petitioner or
22 of the individual at risk. The petitioner shall provide the clerk of circuit court with
23 the address of the petitioner and of the individual at risk when he or she files a
24 petition under this section. The clerk shall maintain the addresses in a confidential
25 manner.

1 **SECTION 17.** 813.125 (3) (a) (intro.) of the statutes is amended to read:

2 813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a
3 temporary restraining order ordering the respondent to avoid contacting or causing
4 any person other than a party's attorney or a law enforcement officer to contact the
5 petitioner without the petitioner's written consent; to cease or avoid the harassment
6 of another person; to avoid the petitioner's residence, except as provided in par. (am),
7 or any premises temporarily occupied by the petitioner or both; or any combination
8 of these remedies requested in the petition, if all of the following occur:

9 **SECTION 18.** 813.125 (3) (c) of the statutes is amended to read:

10 813.125 (3) (c) The temporary restraining order is in effect until a hearing is
11 held on issuance of an injunction under sub. (4). A judge or circuit court
12 commissioner shall hold a hearing on issuance of an injunction within 14 days after
13 the temporary restraining order is issued, unless the time is extended upon the
14 written consent of the parties, extended under s. 801.58 (2m), or extended once for
15 14 days upon a finding that the respondent has not been served with a copy of the
16 temporary restraining order although the petitioner has exercised due diligence. A
17 judge or court commissioner may not extend the temporary restraining order in lieu
18 of ruling on the issuance of an injunction.

19 **SECTION 19.** 813.125 (4) (a) (intro.) of the statutes is amended to read:

20 813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an
21 injunction ordering the respondent to avoid contacting or causing any person other
22 than a party's attorney or a law enforcement officer to contact the petitioner without
23 the petitioner's written consent; to cease or avoid the harassment of another person;
24 to avoid the petitioner's residence, except as provided in par. (am), or any premises

1 temporarily occupied by the petitioner or both; or any combination of these remedies
2 requested in the petition, if all of the following occur:

3 **SECTION 20.** 813.126 of the statutes is amended to read:

4 **813.126 New hearing.** If a party seeks to have the judge conduct a hearing
5 de novo under s. 757.69 (8) of a determination, order, or ruling entered by a court
6 commissioner in an action under s. 813.12, 813.122, 813.123, or 813.125, including
7 a denial of a request for a temporary restraining order, the motion requesting the
8 hearing must be filed with the court within 30 days after the circuit court
9 commissioner issued the determination, order, or ruling. The court shall hold the de
10 novo hearing within 30 days after the motion requesting the hearing is filed with the
11 court unless the court finds good cause for an extension. Any determination, order,
12 or ruling entered by a court commissioner in an action under s. 813.12, 813.122,
13 813.123, or 813.125 remains in effect until the judge in the de novo hearing issues
14 his or her final determination, order, or ruling.

15 **SECTION 21. Initial applicability.**

16 (1) NAME CHANGE PETITIONS. The treatment of section 786.37 (4) of the statutes
17 first applies to petitions filed on the effective date of this subsection.

18 (2) CLOSED HEARINGS AND SEALED RECORDS IN ACTIONS FOR CHILD ABUSE TEMPORARY
19 RESTRAINING ORDERS AND INJUNCTIONS. The treatment of section 813.122 (3) (b)
20 (intro.), 1., 2., and 3. and (bm) of the statutes first applies to a petition filed under
21 section 813.122 of the statutes on the effective date of this subsection.

22 (3) CONFIDENTIALITY OF ADDRESSES. The treatment of sections 813.122 (5g) and
23 813.123 (5g) of the statutes first applies to a petition filed under section 813.122 or
24 813.123 of the statutes on the effective date of this subsection.

(4) HARASSMENT ORDERS. The treatment of section 813.125 (3) (a) (intro.) and (4) (a) (intro.) of the statutes first applies to a temporary restraining order or injunction issued under section 813.125 of the statutes on the effective date of this subsection.

(5) NEW HEARINGS. The treatment of section 813.126 of the statutes first applies to a motion requesting a de novo hearing filed on the effective date of this subsection.

(END)

Parisi, Lori

From: Julian, Jamie
Sent: Monday, April 08, 2013 3:03 PM
To: LRB.Legal
Subject: Draft Review: LRB -0720/1 Topic: Changes to restraining orders (injunctions andTROs); stalking, harassing, child abuse, TROs into injunctions.

Please Jacket LRB -0720/1 for the ASSEMBLY.